

Remarks

Claim 18 has been rejected under 35 U.S.C. 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 18 has been amended to depend from Claim 13. Claim 13 positively cites a latch housing and provides antecedent basis for, “said latch housing” in Claim 18. With this, Applicants believe that this rejection has been obviated.

Claims 1-5 and 7-9 have been rejected under 35 U.S.C. 102(e) as being anticipated by Lerman (U.S. Patent No. 6,267,741). The Action states that “Lerman discloses a cervical brace...chest plate... and a chin strut including means for attachment to the chest plate and adapted for extension to a point on a chin support of a cervical collar...”. This rejection is respectfully traversed. Lerman in fact shows no cervical collar. Lerman shows a support bar (80) having an upper portion (84) secured to a lower central recessed portion (76) of a chin support (18) which has a central portion (78) of a chin support pad (66) thereon. See generally column 4, line 37 through column 5, line 30. No mention of a cervical collar is made anywhere in the ‘741 patent. Thus Lerman provides no chin strut for extension or attachment to a collar. As these are the only rejections of Claims 1-5 and 7-9, Applicants respectfully request that these claims be indicated to be allowable.

This issue pervades the Action and thus is the central focus of this response: there is no anticipation of any claim of this application since Lerman shows no collar.

Claims 11 and 17 have been rejected under 35 U.S.C. § 102(e) “as being anticipated by Lerman. Lerman discloses a cervical brace comprising a cervical collar (18) having front and rear portions (see Fig. 1)...” This rejection is also respectfully traversed. Lerman shows no cervical collar. Element (18) in Lerman is set forth at column 4, line 37 as referring to chin support (18). Nowhere in this patent is a cervical collar mentioned. Accordingly, Applicants believe Lerman does not anticipate claims 11

and 17 and respectfully request this rejection be withdrawn and the claims indicated to be allowable.

Claims 21 and 22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lerman. For the reasons set forth above, Applicants believe these rejections should be withdrawn as Lerman discloses no cervical collar, and Claims 21 and 22 should be indicated to be allowable.

Claims 6, 12-13, 13, 19-20, 23, 24, and 25 have been rejected under 35 U.S.C. § 103(a) as unpatentable as obvious over Lerman variously alone or in combination with Mattingly. Again, in every instance, Lerman lacks a cervical collar as required by the claims of the present application. Mattingly fails to rectify this deficiency. Accordingly, Applicants believe that all claims are clearly allowable over the cited prior art and respectfully request early and favorable notification to that effect.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Guy T. Donatiello", is written over a circular stamp or seal.

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